

United States District Court
Southern District of Texas
FILED

JUN 19 2001

Michael N. Milby
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

RAQUEL O. RODRIGUEZ, as Legal Guardian of
JOSE L. RODRIGUEZ,

Plaintiff,

v.

Case No. B-96-cv-177

RIDDELL, INC.; and
ALL AMERICAN SPORTS CORPORATION,
d/b/a RIDDELL/ALL AMERICAN,

Defendants.

DECREE OF COURT ESTABLISHING THE JOSE L. RODRIGUEZ TRUST

On this day came on to be heard the Application to Establish the Jose L. Rodriguez Trust for the benefit of Jose L. Rodriguez, an incapacitated person (the "Beneficiary"), pursuant to 42 United States Code Section 1396p(d)(4)(A), as amended August 10, 1993, by the Revenue Reconciliation Act of 1993, Pub. L. 103-55, and pursuant to Texas Property Code Section 142.005, filed by Roman "Dino" Esparza, guardian *ad litem* for the Beneficiary (hereinafter referred to as "Applicant"), and the Court proceeded to hear the application upon a finding that due and proper notice of the application and hearing on the application have been given to all interested persons, and that Applicant and all persons necessary for jurisdiction have appeared in person or by attorney.

The Court, having heard the evidence and having reviewed the application and the other documents filed herein, finds that it has jurisdiction and venue over the persons and subject

matter of this proceeding; that all proceedings have been lawful and proper; that the Beneficiary is an incapacitated person as defined in Texas Property Code Section 142.007; that the Beneficiary is a disabled person as defined in the Social Security Act, Section 1614(a)(3), 42 United States Code Section 1382C(a)(3); that there is no court-appointed guardian for the estate of the Beneficiary, and there is no proceeding pending for the appointment of such guardian; and that it would be in the best interests of the Beneficiary for this Court to enter an order and decree establishing a "special needs" trust for the Beneficiary's benefit as specified in 42 United States Code Section 1396p(d)(4)(A), as amended August 10, 1993, by the Revenue Reconciliation Act of 1993, Pub. L. 103-55.

It is, therefore, ORDERED by the Court as follows:


1. The cash lump sum amount plus future periodic payments within the meaning of Sections 104(a)(2) and 130 of the Internal Revenue Code of 1986, as amended, as described in the Petition for Approval of Settlement (the "Petition") entered into in this cause and any judgment or order approving said Petition shall be delivered to Texas State Bank (the "Trustee"), to be held and administered by the Trustee as provided in this decree and the trust established by this decree.

2. Pursuant to Texas Property Code Section 142.005, the Trustee shall hold, invest, administer, and distribute the funds as a "special needs" trust having the terms and provisions set forth in the trust agreement establishing the Jose L. Rodriguez Trust which is attached hereto, designated Exhibit "A," and incorporated by reference into this decree.

3. The Trustee shall be entitled to receive for its services a fair and reasonable compensation not exceeding the Trustee's regularly published fee schedule for such services,

and shall be reimbursed for all reasonable expenses incurred in connection with the administration of the trust. The Court hereby prospectively approves the Trustee's fees for as long as those fees do not exceed the Trustee's regularly published fee schedule; provided that the Court may review any future Trustee's fees at any time and from time to time on the Court's own motion or upon the motion of the Trustee or any other party interested in the welfare of the Beneficiary, and upon a hearing of the matter, the Court shall take any action with respect to such fees as the Court may deem appropriate.

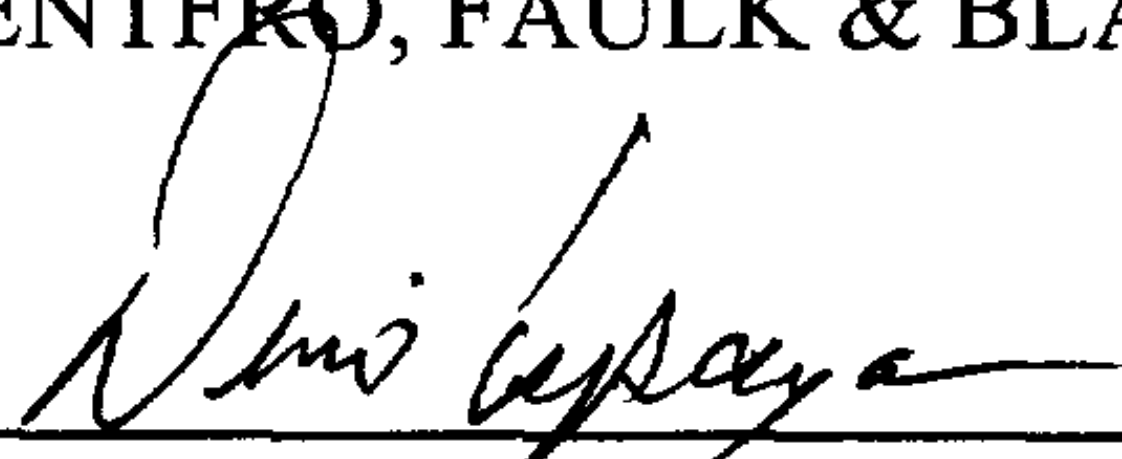
SIGNED this 19th day of June, 2001.



 JUDGE PRESIDING

APPROVAL AS TO FORM AND SUBSTANCE
 AND ENTRY REQUESTED:

RENTERO, FAULK & BLAKEMORE, L.L.P.

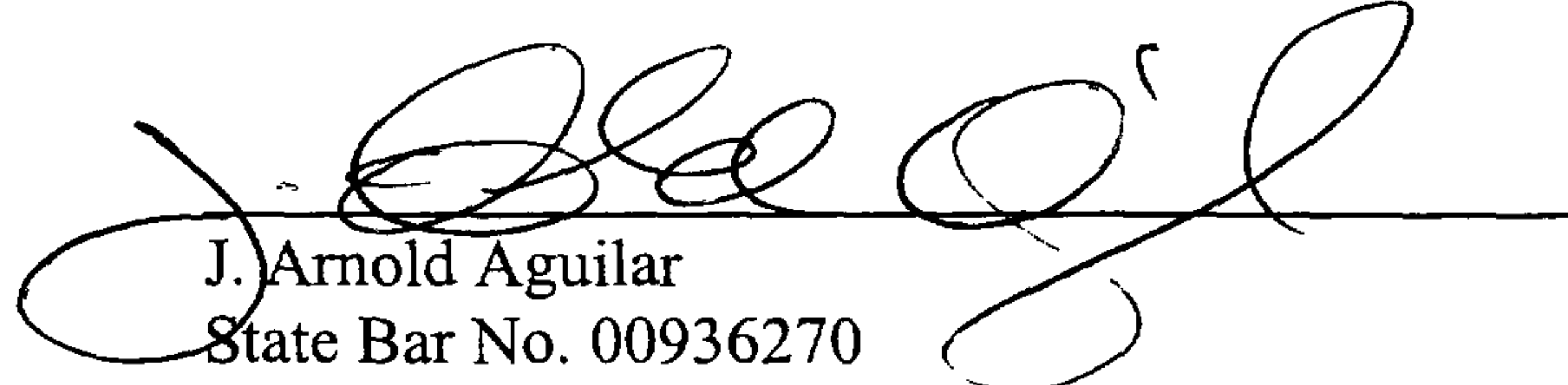


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 an Incapacitated Person

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